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STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

SUSAN M. MENGELING, P.T.,

RESPONDENT.

Case No. LS 9911021PHT

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

Susan M. Mengeling, P.T.
PO Box 872
Bethel, AK 99559

Physical Therapists Affiliated Credentialing Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Physical Therapists Affiliated Credentialing Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Susan M. Mengeling, P.T., Respondent, date of birth March 16, 1952, is licensed by the Wisconsin Physical Therapists Affiliated Credentialing Board to practice as a physical therapist in the State of Wisconsin, pursuant to license number 2435, which was first granted November 3, 1981.
2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 872, Bethel, Alaska 99559.
3. During the time of the events set out below, Respondent was employed as a physical therapist at MedRehab, Inc., a physical therapy clinic located in Sun Prairie, Wisconsin.
4. Respondent provided physical therapy to Mr. A in approximately 1987. They had no other contacts prior to December 1990.
5. In December of 1990, Mr. A, who was then 34 years of age, had pain in the thoracic area and left arm with related symptoms. Mr. A's orthopedic surgeon referred Mr. A to Respondent for physical therapy for those conditions.
6. Mr. A saw Respondent for physical therapy approximately two times per week from December 27, 1990 until

March 13, 1991, at which time he was discharged to a pain clinic.

7. Mr. A did not find the pain clinic to be helpful and returned to physical therapy with Respondent on April 16, 1991.

8. Respondent received a series of certifications from Mr. A's orthopedic surgeon that continued physical therapy was medically reasonable and necessary. Based on those certifications, Respondent provided physical therapy to Mr. A approximately 2 times per week until June 30, 1992, at which time Mr. A was discharged and referred to another physical therapist.

9. During physical therapy sessions, Mr. A and Respondent discovered that they had mutual interests in fishing, hunting and camping. They also discovered that each person's parents had died while that person was a teenager. Respondent was married and Mr. A was residing with his significant other, Ms. B, with whom Mr. A was having relationship difficulties.

10. As a result of their professional contacts, Respondent and Mr. A developed a personal, nonprofessional relationship, which began in January of 1992 and lasted until June of 1992.

11. Mr. A was a recovering alcoholic who attended AA 12-step meetings. Respondent, who is not a recovering alcoholic, was also attending a 12-step program for spiritual growth at Bethel Lutheran Church in Madison. Respondent invited Mr. A to attend the spiritual growth

12-step meetings, and Mr. A attended at least three of these meetings with Respondent. On two occasions, they rode to the meeting together after meeting elsewhere.

12. On one Tuesday evening, instead of going to the 12-step meeting as planned, Respondent and Mr. A went to Tenney Park in Madison and talked.

13. In March of 1992, Mr. A called Respondent at her home and said he was having personal problems and asked to come to her home to talk with her. Respondent's husband was also home and Respondent invited Mr. A to her home. Mr. A came over and Respondent and Mr. A went into a private room and talked approximately 45 minutes before Mr. A left for his

12-step meeting.

14. On May 10, 1992, Respondent received a telephone message from Ms. B accusing Respondent of having contributed to the break up of Ms. B's relationship with Mr. A. Later that day, Mr. A called Respondent at her home and said that Ms. B had attempted suicide and asked to come to Respondent's home to talk with her. Respondent's husband was also home and Respondent invited Mr. A to her home. Mr. A came over and Respondent and Mr. A had a private discussion before Mr. A left for a 12-step meeting.

15. On a Tuesday evening in May of 1992, instead of going to the 12-step meeting as planned, Respondent and Mr. A went to Indian Lake County Park in rural Dane County and talked.

16. Between May 21 and June 30, 1992, Respondent did not provide physical therapy services to Mr. A because they were on separate vacations.

17. On June 30, 1992, after an 11:30 a.m. therapy session, Respondent and Mr. A went to Wetmore Park in Sun Prairie to talk about their recent vacations. Respondent asked Mr. A how things were going with Ms. B. Mr. A said they were trying to work things out although he still wasn't living with her. Mr. A had previously made comments to Respondent that Ms. B was jealous of Respondent.

18. While Respondent and Mr. A were at Wetmore Park, Ms. B drove by twice and pulled into the parking lot near the place Respondent and Mr. A were sitting. Ms. B approached Respondent and Mr. A and started yelling at them, saying that things have gone far enough. At that point, Mr. A left in his vehicle and Respondent returned to work.

19. Mr. A did not show up for his appointments scheduled for July 2 and 7, 1992 and did not see Respondent for physical therapy after the June 30 appointment.

20. On July 7, 1992, Respondent sent letters to Mr. A and Ms. B. Included in her letter to Mr. A, Respondent thanked him for the special friendship that they shared over the past year or so, expressed her appreciation for Mr. A sharing himself with her so deeply and apologized for the pain she has caused him and Ms. B. In her letter to Ms. B, Respondent explained that her relationship with Mr. A was not sexual and apologized for any pain and suffering she caused them. Respondent hand-delivered Mr. A's letter to him at school and mailed Ms. B's letter to her.

21. This case is the only complaint the Division of Enforcement has ever received regarding Respondent.

22. Respondent has not resided or practiced as a physical therapist in the state of Wisconsin since approximately

CONCLUSIONS OF LAW

1. At the time of Respondent's conduct set out above, the Medical Examining Board had the legal authority to issue physical therapist licenses, promulgate rules defining unprofessional conduct, and discipline physical therapists.
2. Pursuant to 1993 Wisconsin Act 107, effective July 1, 1994, the Physical Therapists Affiliated Credentialing Board became the legal authority to issue physical therapist licenses, promulgate rules defining unprofessional conduct, and discipline physical therapists.
3. 1993 Wisconsin Act 107, § 67, nonstatutory provisions, provided the Physical Therapists Affiliated Credentialing Board with the authority to discipline physical therapists for past violations of rules of the Medical Examining Board.
4. The Physical Therapists Affiliated Credentialing Board has jurisdiction over Respondent and the subject matter pursuant to §§ 15.085(5)(c) and 448.57, Stats.
5. The Physical Therapists Affiliated Credentialing Board has authority to enter into this stipulated resolution of this matter pursuant to §227.44(5), Stats.
6. Respondent's conduct, as set out above, subjects her to discipline pursuant to §§ 448.02(3) and 448.57(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Within 6 months of the date of this order, Respondent shall take and complete a one-day program on the subject of appropriate boundaries in relationships between health care professionals and their clients, which course shall first be approved by the Physical Therapists Affiliated Credentialing Board or its designee.
2. If Respondent is unable to complete the course described in the preceding paragraph within 6 months of the date of this order, Respondent shall, within that period of time, petition the Physical Therapists Affiliated Credentialing Board or its designee for a reasonable extension of time within which to take and complete such a course. An extension shall be granted only in the event of an illness or other circumstance, which is found to be acceptable by the Physical Therapists Affiliated Credentialing Board or its designee.
3. Respondent shall provide proof sufficient to the Board of her satisfactory completion of the education within 30 days of completion.
4. Any request for an extension of the time within which to complete the course and evidence of completion of the education required by this order shall be mailed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

5. Respondent shall bear all costs incurred as a result of satisfying this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated this 2nd day of November, 1999.

Nelda Joy Olson, P.T.

Chairperson

Physical Therapists Affiliated Credentialing Board